



STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE 24TH DAY OF SEPTEMBER A.D., 2013, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:

ALBERT H. COBB JR	COUNTY JUDGE
DEBBIE GONZALES INGALSBE	COMMISSIONER, PCT. 1
MARK JONES	COMMISSIONER, PCT. 2
WILL CONLEY	COMMISSIONER, PCT. 3
RAY O. WHISENANT JR	COMMISSIONER, PCT. 4
ROSE ROBINSON	DEPUTY COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

Pastor Jeff Latham Westover Baptist Minister, San Marcos gave the invocation and Judge Cobb led the court in the Pledge of Allegiance to the United States and Texas flags. Judge Cobb called the meeting to order.

PUBLIC COMMENTS

Constable Precinct 2 James Kohler and David Wilson, Board Member of the HCPUA spoke.

28326 ADOPT A PROCLAMATION DECLARING TUESDAY, OCTOBER 1, 2013 AS NATIONAL NIGHT OUT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Jones to adopt a Proclamation declaring Tuesday, October 1, 2013 as National Night Out. All voting "Aye". MOTION PASSED

28327 ADOPT A RESOLUTION RECOGNIZING THE 90TH BIRTHDAY OF DOTTIE SIMMS

A motion was made by Commissioner Conley, seconded by Commissioner Ingalsbe to adopt a Resolution recognizing the 90th Birthday of Dottie Simms. All voting "Aye". MOTION PASSED

28328 APPROVE PAYMENTS OF COUNTY INVOICES

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve payments of County Invoices in the amount of \$ 1,190,867.51 as submitted by the County Auditor. All voting "Aye". MOTION PASSED

An amended motion was made by Commissioner Whisenant, seconded by Commissioner Jones to add an invoice in the amount of \$624.38 to the State Comptroller Office for the Victims of Crime.

28329 APPROVE COMMISSIONERS COURT MINUTES OF SEPTEMBER 17, 2013

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve Commissioner Court Minutes of September 17, 2013 as presented by the County Clerk. All voting "Aye". MOTION PASSED

28330 AUTHORIZE INSTITUTIONAL OSSF PERMIT #2013-27594 AT 3509 CREEK ROAD, DRIPPING SPRINGS, TX IN PRECINCT 4

Hancock/Hanks Investments, Ltd. is proposing to construct an on-site sewage facility to serve 7 duplex guest cottages at Camp Lucy Events Event Center Phase I. This on-site sewage facility is designed for 1285 gallons per day (maximum flow on weekends) with the flow equalized throughout the week to 551 gallons per day. The property is 155 acres in size. Erin Banks, P.E. has designed an on-site sewage facility that will consist of standard treatment, flow equalization, with proprietary filtration and controls dosing to a drip irrigation dispersal field. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to authorize Institutional OSSF Permit #2013-27594 at 3509 Creek Road, Dripping Springs, TX in Precinct 4. All voting "Aye". MOTION PASSED

28331 MOVE FUNDS FROM COUNTY WIDE CONTINGENCIES TO COUNTY COURT AT LAW #1 OPERATING BUDGET FOR EXPENSES RELATED TO COURT APPOINTED ATTORNEYS

Due to increase in case load, additional funds are needed for court appointed attorney expenses. Amount required \$10,000 line item number 001-611-00.5440_201]. A motion was made by Commissioner



Whisenant, seconded by Commissioner Jones to move funds from County Wide contingencies to County Court at Law #1 operating budget for expenses related to court appointed attorneys. All voting "Aye". MOTION PASSED

28332 APPROVE RENEWAL OF IFB 2011-B06 "CEMETERY MAINTENANCE" FOR ONE ADDITIONAL YEAR AS PROVIDED IN ORIGINAL BID. ALL TERMS AND CONDITIONS REMAIN UNCHANGED. THERE IS NO INCREASE IN PRICING

A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve renewal of IFB 2011-B06 "Cemetery Maintenance" for one additional year as provided in original bid. All terms and conditions remain unchanged. There is no increase in pricing. All voting "Aye". MOTION PASSED

28333 ACCEPT A DONATION TO THE HAYS COUNTY SHERIFF'S OFFICE, VEHICLE MAINTENANCE DEPARTMENT, OF A 12'X30' METAL CARPORT, VALUED AT \$800.00 AND AMEND THE BUDGET ACCORDINGLY

The Sheriff's Office Vehicle Maintenance Department would like to accept a donated 12'x30' metal carport that has a value of \$800.00 and request to amend the budget accordingly. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to accept a donation to the Hays County Sheriff's Office, Vehicle Maintenance Department, of a 12'x30' metal carport, valued at \$800.00 and amend the budget accordingly. All voting "Aye". MOTION PASSED

28334 AMEND CONSTABLE PRECINCT 1 BUDGET FOR ADDITIONAL VEHICLE MAINTENANCE NEEDS

Additional funds are needed to cover 2 vehicles with overheating engine issues and 1 vehicle with a/c compressor issues. Savings in continuing education will fund this amendment. Amount required. Amount required \$478.00 line item number 001-635-00.5413. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to amend Constable Precinct 1 budget for additional vehicle maintenance needs. All voting "Aye". MOTION PASSED

28335 ACCEPT A DONATION FROM THE BURDINE JOHNSON FOUNDATION FOR THE HISTORICAL JAIL RESTORATION PROJECT AND AMEND THE FY13 BUDGET FOR USE OF THOSE FUNDS FOR DIRECT EXPENSES RELATED TO THE PROJECT

The Historical Commission has received a donation for the Historical Jail Restoration Project from the Burdine Johnson Foundation. These funds will be used for Phase III of the project. Amount required \$100,000.00. Increase Revenue 144-676-00.4614 Contributions - Capital \$100,000.00; Increase Expense 144-676-00.5741 Miscellaneous Capital Improvements \$100,000.00. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to accept a donation from the Burdine Johnson Foundation for the Historical Jail Restoration Project and amend the FY13 Budget for use of those funds for direct expenses related to the project. All voting "Aye". MOTION PASSED

28336 AUTHORIZE THE COUNTY JUDGE TO SIGN A RENEWAL CONTRACT WITH YARBROUGH AGENCY FOR GROUP INSURANCE RELATED SERVICES

This service fee is charged to our Medical and Dental Professional and Administrative Services Fee fund. The Yarbrough Agency has provided consulting and administrative services since 2010 for Hays County. Recent services included RFP analysis, and Health Care Reform information and advice as well as upcoming open enrollment and employee benefit meetings. Amount required \$21000 – line item number. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to authorize the County Judge to sign a renewal contract with Yarbrough Agency for group insurance related services. All voting "Aye". MOTION PASSED

28337 AUTHORIZE THE COUNTY JUDGE TO EXECUTE AN INTERLOCAL ASSISTANCE AGREEMENT FOR CONTINUANCE OF THE TEXAS AUTOMOBILE BURGLARY AND THEFT PREVENTION AUTHORITY PROJECT

The Travis County Sheriff's Office is requesting approval of the annual agreement with the Texas Automobile Burglary and Theft Prevention Authority (ABTPA) to continue the Sheriff's combined Auto Theft Task Force Grant. Funding for the program includes Travis County and other counties with the Sheriff of each county forming the Advisory Board of the program. The grant award provides funding for the Hays County Field Agent in the amount of \$52,110, which does not include fringe benefits. Hays County will provide the additional funds to cover the fringe benefits, which historically it has funded in the past. The additional funds of \$23,072.00 will



be funded through the Sheriff's FY14 budget. Amount required \$23,072.00 – Sheriff's FY14 Budget. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to authorize the County Judge to execute an Interlocal Assistance Agreement for continuance of the Texas Automobile Burglary and Theft Prevention Authority Project. All voting "Aye". MOTION PASSED**

28338 RENEW AGREEMENT FOR ALTERNATIVE DISPUTE RESOLUTION SERVICES BETWEEN HAYS COUNTY AND THE HAYS COUNTY DISPUTE RESOLUTION CENTER

Renewal of this Agreement will allow the continuing collection of the fees that constitute the ADR System Fund, while providing for the performance of certain obligations by the DRC. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to renew Agreement for Alternative Dispute Resolution Services between Hays County and the Hays County Dispute Resolution Center. All voting "Aye". MOTION PASSED**

28339 RENEW CPS MEDIATION SERVICES CONTRACT BETWEEN THE HAYS COUNTY DISTRICT ATTORNEY'S OFFICE, HAYS COUNTY, AND THE HAYS COUNTY DISPUTE RESOLUTION CENTER

Renewal of this Agreement provides for continuing services by DRC, acting in its capacity as mediator for Child Protective Services (CPS) cases pending in Hays County. Amount required \$10,000 – line item number 001-607-00.5448. **A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to renew CPS Mediation Services Contract between the Hays County District Attorney's Office, Hays County, and the Hays County Dispute Resolution Center. All voting "Aye". MOTION PASSED**

28340 ADOPT A RESOLUTION NOMINATING LUANNE CARAWAY AS A CANDIDATE FOR THE CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to adopt a resolution nominating Luanne Caraway as a candidate for the Central Appraisal District Board of Directors. All voting "Aye". MOTION PASSED

28341 AUTHORIZE THE SHERIFF'S OFFICE TO UTILIZE CURRENT VEHICLE SAVINGS FOR PREVENTATIVE MAINTENANCE AND TIRES AND AMEND THE BUDGET ACCORDINGLY

Yvette Johnson with Hays County Sheriff's Office spoke. On April 9, 2013 the Commissioner's Court, at the suggestion of the Fleet Committee, awarded an additional \$150k to the Sheriff's vehicle budget for FY13 to purchase additional vehicles. Three vehicles fully equipped have been purchased and a savings has been identified. The Sheriff would like to use this savings to purchase additional preventative maintenance supplies that are needed for the SO Fleet for an amount not to exceed \$22,000. Amount required \$22,000. Decrease Vehicles - (\$22,000); Increase Vehicle Maintenance - \$22,000. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the Sheriff's Office to utilize current vehicle savings for preventative maintenance and tires and amend the budget accordingly. All voting "Aye". MOTION PASSED**

28342 LAUNCH THE EMERGENCY INFORMATION WEBSITE HAYSINFORMED.COM AND IMPLEMENTATION OF PROMOTIONAL METHODS IN AN EFFORT TO INFORM THE CITIZENS OF HAYS COUNTY

Commissioner Conley and Emergency Management Coordinator, Kharley Smith spoke. HaysInformed.com is an emergency information website hosted by Hays County to be utilized by all local jurisdictions and response agencies within the County to post real time emergency information out to the public. **A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to authorize the County Judge to write a letter to notify the County Elected Officials and the Department Heads in Hays County if they own a County Fleet Vehicle they must place a sticker in order to promote the Haysinformed.com for Emergency Services in Hays County. All voting "Aye". MOTION PASSED**

28343 AUTHORIZE THE COUNTY JUDGE TO EXECUTE A WATER RESERVATION AND SUPPLY AGREEMENT BETWEEN HAYS COUNTY AND FORESTAR REAL ESTATE (USA) GROUP, INC

This proposed action represents the culmination of the County's RFP and subsequent negotiation related to Wholesale Water. Amount required \$ 1,000,000/annual; line item number 001-645-00-5741 – FY 2014 budget. **A motion was made by Commissioner Whisenant, seconded by Commissioner Conley to authorize the**



County Judge to execute an Agreement between Hays County and Forestar, conditional upon the Agreement being amended to provide Hays County a diligence period in which it may request an Attorney General Opinion regarding the County's authority to enter into the Agreement. [The County's obligation to pay should be abated during this diligence period, and should the Attorney General determine that the County lacks authority, then the County's obligation to pay will be null and void.] Also – (1) Section 10.2(c) should be modified to eliminate the word "assign" in the 5th line and substitute the word "customer" (2) Article 9 should be modified pursuant to counsel's edits that have been provided to the County Clerk (3) Section 11.1 should be modified pursuant to counsel's edit that have been provided to the County Clerk. All voting "Aye". MOTION PASSED

28344 OUTLINE PROCEDURES FOR ADMINISTERING THE FY 2014 SALARY POOL TO COUNTY EMPLOYEES

Dee Dee Baen, Human Resources Director spoke. A motion was made by Commissioner Conley, seconded by Commissioner Whisenant to approve the recommendations for Human Resources. All voting "Aye". MOTION PASSED

28345 NAME A PRIVATE DRIVE, LOCATED OFF OF FM 1826 IN PRECINCT 4, GORMAN SPRINGS ROAD

The property owner at the end of the private drive being discussed would like to have an official name designation for his private drive located off of FM 1826, near the Hays County/Travis County line in Precinct 4. There are a number of structures located off of the driveway that would be assigned "Gorman Springs Road" addresses if the action is approved. A motion was made by Commissioner Whisenant, seconded by Commissioner Jones to approve naming a private drive, located off of FM 1826 in Precinct 4, Gorman Springs Road. All voting "Aye". MOTION PASSED

28346 APPROVE AN INTERLOCAL AGREEMENT WITH THE CITY OF SAN MARCOS FOR THE LEASE OF OFFICE AND COURTROOM SPACE WITHIN THE HAYS COUNTY GOVERNMENT CENTER FOR THE CITY OF SAN MARCOS MUNICIPAL COURT

A motion was made by Commissioner Ingalsbe, seconded by Commissioner Conley to approve an Interlocal Agreement with the City of San Marcos for the lease of office and courtroom space within the Hays County Government Center for the City of San Marcos Municipal Court. All voting "Aye". MOTION PASSED

EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE: CONSULTATION WITH COUNSEL AND DELIBERATION REGARDING THE PURCHASE, EXCHANGE, OR VALUE OF REAL PROPERTY INCLUDING THE MARKETING AND POTENTIAL SALE OR LEASE OF COUNTY OWNED PROPERTIES

Court convened into Executive Session at 10:09 a.m. and reconvened into opened court at 11:36 a.m. In Executive Session were Commissioner Ingalsbe, Commissioner Jones, Commissioner Conley, Commissioner Whisenant, Judge Cobb, Special Counsel Mark Kennedy, Chief of Staff Lon Shell and Tony Corbett. No Action Taken.

DISCUSSION OF ISSUES RELATED TO INMATE POPULATION AT THE HAYS COUNTY JAIL

Captain Mike Davenport with the Hays County Sheriff spoke. Hays County's current maximum jail capacity is 362 inmates. Jail Standards recommends holding approximately 10% of capacity open. That lowers our recommendation to 311. The jail's daily average was 301 and peak was 306 on 9/16/13 for the week of September 15-21, 2013. The maximum female capacity is 56 inmates. Last week's average was 47 and peak was 50 on 9/18/2013. The maximum male capacity is 276 inmates. Last week's average was 254 and peak was 262 on 9/20/2013.

28347 LIFT THE BURN BAN AND/OR DISASTER DECLARATION

Hays County Fire Marshal Mark Chambers spoke. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Whisenant to lift the Burn Ban. All voting "Aye". MOTION PASSED

County Clerk's Note Agenda #25 RE: DISCUSSION OF ISSUES RELATED TO PROPOSED CAPITAL CONSTRUCTION PROJECTS IN HAYS COUNTY, INCLUDING BUT NOT LIMITED TO THE GOVERNMENT CENTER; THE PRECINCT 2 FACILITY PROJECT; AND THE LAW ENFORCEMENT CENTER IMMEDIATE NEEDS PROJECT – was pulled



County Clerk's Note Agenda #26 RE: DISCUSSION OF ISSUES RELATED TO THE ROAD BOND PROJECTS, INCLUDING UPDATES FROM MIKE WEAVER, PRIME STRATEGIES AND ALLEN CROZIER, HDR – **was pulled**

County Clerk's Note Agenda #27 RE: DISCUSSION OF ISSUES RELATED TO THE HAYS COUNTY WATER AND SEWER AUTHORITY AND THE WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY – **was pulled**

A motion was made by Commissioner Jones, seconded by Commissioner Whisenant to adjourn court.

I, LIZ Q. GONZALEZ, COUNTY CLERK and EXOFFICIO CLERK OF THE COMMISSIONERS' COURT, do hereby certify that the foregoing contains a true and accurate record of the proceedings had by the Hays County Commissioners' Court on September 24, 2013.



LIZ Q GONZALEZ, COUNTY CLERK AND EXOFFICIO
CLERK OF THE COMMISSIONERS' COURT OF
HAYS COUNTY, TEXAS

